

# *FAQs About IDEA 2004*

## **Preschool-Age Children with Disabilities**

**Can Child Study Teams (CST) still use the disability category, *Child with Disabilities Ages 3-5*, to identify a preschool-age child as eligible under the IDEA?**

No. While the criteria are essentially the same, the category is now called “developmental delay.”

**What are the criteria for identification of a child aged 3 through 5 having developmental delay?**

A student may be identified as having a developmental delay if the student: (a) is 3, 4, or 5 years old and, (b) functions at a developmental level two or more standard deviations below the norm in any one area of development or 1.5 standard deviations below the norm in two or more of the following areas: cognitive development, physical development, communication development, social and emotional development, or adaptive functioning skills. The disability criteria listed on the OPI Web site, <http://www.opi.mt.gov/>, have been updated to reflect this change.

**For a preschool-age child, may a CST consider other disability criteria?**

Yes. Any child who is age 3 or older may be evaluated with respect to any of the disability criteria defined in Montana’s Administrative Rules. The CST decides which disability criteria it will consider to determine whether any child has a disability and needs special education. Accordingly, a 3-, 4-, or 5-year-old child could be evaluated and identified under any disability criteria, e.g., Student as Having Autism, Student as Having Cognitive Delay, Student as Having Developmental Delay, Student as Having Speech and Language Impairment, etc.

**Has the Office of Public Instruction (OPI) established guidelines for determining the need for special education for children younger than kindergarten age?**

No. The CST should consider the student’s need for adapted content of curriculum materials, modified teaching methods, and individualized instruction delivery strategies. The CST must consider these factors related to unique needs that result from the disability, the ability to progress through either the district’s curriculum or an appropriate developmental curriculum, and the proficiency with which the student meets educational standards.

**For purposes of annual Child Count, must a CST reevaluate a student currently identified as *Child with Disabilities Ages 3-5*?**

No.

## 10.16.3010 CRITERIA FOR DEVELOPMENTAL DELAY

☐ The student is 3, 4 or 5 years old.

The student functions at a developmental level:

☐ Two or more standard deviations below the norm in any ONE of the following areas of development:

- |   |  |
|---|--|
| <input type="checkbox"/> adaptive functioning skills      | <input type="checkbox"/> cognitive development |
| <input type="checkbox"/> communication development        | <input type="checkbox"/> physical development  |
| <input type="checkbox"/> social and emotional development |  |

**or**

☐ 1.5 or more standard deviations below the norm in TWO OR MORE of the following areas of development:

- |   |  |
|---|--|
| <input type="checkbox"/> adaptive functioning skills      | <input type="checkbox"/> cognitive development |
| <input type="checkbox"/> communication development        | <input type="checkbox"/> physical development  |
| <input type="checkbox"/> social and emotional development |  |

Documentation of a developmental delay must include:

- ☐ Appropriate developmental assessment that addressed each of the areas above.
- ☐ Observation of the student's communication development and social and emotional development in a classroom or other group setting.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at [www.opi.mt.gov/speced/FAQs](http://www.opi.mt.gov/speced/FAQs).



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